THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20515 of 2006

Dated: 27-04-2007

Between:

M/s. A.B.C. Constructions & Real Estate, Srikakulam.

..... PETITIONER

AND

The District Level Committee, Srikakulam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20515 of 2006

ORDER:

M/s. A.B.C. Constructions & Real Estates, Srikakulam, filed instant writ petition aggrieved by the order in Lr.No.3514/2005-D passed in 2006 by second respondent calling upon the petitioner to pay a sum of Rs.1,43,640/- towards seignorage fee for the sand used for construction of houses in the Gram Panchayat.

The petitioner's case is that when a demand was raised by the Assistant Director of Mines and Geology, vide demand notice dated 14.02.2006, the petitioner filed an appeal before the Director of Mines and Geology and the same was allowed on 11.07.2006. Therefore, the impugned order passed by second respondent is illegal and arbitrary.

The learned Assistant Government Pleader for Panchayat Raj and Rural Development

points out that the impugned order is only notice and that the petitioner can approach second respondent and submit explanation along with necessary documents. This Court finds force in the submission. The petitioner is given liberty to approach second respondent and submit explanation. Till such explanation is considered, the petitioner cannot be subject to any coercive steps.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

27th April, 2007
ghn